

# State of Wisconsin



1997 Assembly Bill 967

Date of enactment: **June 4, 1998**  
Date of publication\*: **June 18, 1998**

## 1997 WISCONSIN ACT 252

**AN ACT relating to:** repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, deleting, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** The treatment of 13.101 (6) (a) of the statutes by [1997 Wisconsin Act 27](#) is not repealed by [1997 Wisconsin Act 35](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 2.** 13.94 (1) (bm) of the statutes is repealed.

NOTE: The audits required by this provision have been completed by the legislative audit bureau.

**SECTION 3.** 13.94 (1) (dm) of the statutes is repealed.

NOTE: The audits required by this provision have been completed by the legislative audit bureau.

**SECTION 4.** 13.94 (1s) (a) of the statutes is amended to read:

13.94 (1s) (a) Except as otherwise provided in par. (c), the legislative audit bureau may charge any department for the reasonable cost of auditing services which are performed at the request of a department or at the request of the federal government which the bureau is not required to perform under sub. (1) (a) to (d), ~~(dm)~~ or (k) or any other law. This paragraph does not apply to counties, cities, villages, towns or school districts.

NOTE: This bill repeals par. (dm).

**SECTION 5.** 13.94 (6) of the statutes is repealed.

NOTE: The audits required by this provision have been completed by the legislative audit bureau.

**SECTION 6.** 14.017 (2) of the statutes, as affected by [1997 Wisconsin Act 27](#), is amended to read:

14.017 (2) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the state superintendent of public instruction, the secretary of health and ~~social~~ family services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, with demonstrated professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4-year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin County Human Service Association, Inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

of standing committees in their respective houses. Section 15.09 applies to the council.

NOTE: 1997 Wis. Act 27 inserted “social” without showing it as underscored and deleted “family” without showing it as stricken. No change was intended.

**SECTION 7.** 14.23 (1) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

14.23 (1) By October 14, 1997, the governor shall submit to the standards development council pupil academic standards in mathematics, science, reading and writing, geography and history. The council shall review the standards and may modify them. ~~By September 15, 1997, or within~~ Within 30 days after October 14, 1997, ~~whichever is later,~~ the council shall transmit its recommended standards to the governor.

NOTE: Deletes inapplicable date provisions.

**SECTION 8.** 15.405 (17) (a) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after June 30, 1994.

**SECTION 9.** 15.405 (17) (b) of the statutes is renumbered 15.405 (17) and amended to read:

15.405 (17) BARBERING AND COSMETOLOGY EXAMINING BOARD. There is created a barbering and cosmetology examining board in the department of regulation and licensing. The barbering and cosmetology examining board shall consist of 9 members appointed for 4-year terms. Four members shall be licensed barbers or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of barbering or cosmetology, one member shall be a representative of a public school of barbering or cosmetology and one member shall be a licensed electrologist. Except for the 2 members representing schools, no member may be connected with or have any financial interest in a barbering or cosmetology school. ~~This paragraph applies after June 30, 1994.~~

NOTE: Deletes obsolete transition provision. See the previous section of this bill.

**SECTION 10.** 15.577 (title) of the statutes is repealed.

NOTE: 1997 Wis. Act 27 repealed all of s. 15.577 except the title.

**SECTION 11.** 15.947 (title) of the statutes is repealed.

NOTE: 1997 Wis. Act 27 repealed all of s. 15.947 except the title.

**SECTION 12.** 16.964 (2m) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after December 31, 1993.

**SECTION 13.** 16.973 (intro.) of the statutes is renumbered 16.973 (2) (intro.).

NOTE: 1997 Wis. Act 27, section 147k, erroneously stated that sub. (1) (intro.) was renumbered sub. (2) (intro.), but there was no sub. (1) (intro.). It was intended that s. 16.973 (intro.) be renumbered.

**SECTION 14.** 20.115 (8) (k) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.115 (8) (k) *Computer system equipment, staff and services.* The amounts in the schedule for the costs of computer system equipment, staff and services. All moneys transferred for this purpose from pars. (ga), (gm),

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(h), (ha), (i), (kp), (ks), (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i), (j), (ja), (L) and (m) and (7) (g), (ga), (gm), (k) and (m) shall be credited to this appropriation account.

NOTE: The underscored “(jm)” was deleted by 1997 Wis. Act 27 without being shown as stricken. No change was intended.

**SECTION 15.** The treatment of 20.143 (1) (fm) of the statutes by 1997 Wisconsin Act 9 is not repealed by 1997 Wisconsin Act 27. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 16.** The treatment of 20.143 (1) (im) of the statutes by 1997 Wisconsin Act 9 is not repealed by 1997 Wisconsin Act 27. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 17.** The treatment of 20.145 (1) (g) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 18.** 20.255 (2) (dc) of the statutes is amended to read:

20.255 (2) (dc) *Professional development.* The amounts in the schedule for professional development activities under s. 119.84, 1995 stats. No funds may be encumbered from this appropriation after June 30, 1996.

NOTE: Section 119.84 does not apply after June 30, 1996, and is repealed by this bill.

**SECTION 19.** 20.285 (2) (i) 1. a. of the statutes, as affected by 1997 Wisconsin Act 27, section 279, is amended to read:

20.285 (2) (i) 1. a. For the 1997–98 fiscal year and any fiscal year thereafter, an amount equal to not more than the amount by which the expenditure estimate under s. 16.50 (1) for the appropriation under sub. (1) (im) exceeded actual expenditures from that appropriation for the previous fiscal year, to the extent that sufficient revenues are available in the appropriation account under sub. (1) (im) to finance this appropriation.

NOTE: The word “an” was inserted by 1997 Wis. Act 27 without being shown as underscored. The change was intended.

**SECTION 20.** 20.320 (1) (t) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

20.320 (1) (t) *Principal repayment and interest — clean water fund program bonds.* From the environmental improvement fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the environmental improvement fund for the purposes of the clean water fund program under s. 281.58. Fifty percent of all moneys received from municipalities as payment of interest on loans or portions of loans under s. 281.58 ~~281.59~~ the revenues of which have not been pledged to secure revenue obligations shall be credited to this appropriation account.

NOTE: The stricken language was inserted by Wis. Act 35, but rendered surplusage by the treatment by 1997 Wis. Act 27.

**SECTION 21.** The treatment of 20.410 (3) (ho) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 22.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act 27, section 612m, and 1997 Wisconsin Act 39, section 9, is amended to read:

20.445 (1) (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and 108.22, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all moneys not appropriated under ~~par.~~ pars. (ge), (gf) and (gg) and all moneys transferred to this appropriation account from the appropriation account under par. (gh) for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m), for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20, and for ~~the~~ payment of career counseling center grants under s. 106.14.

NOTE: The word "the" was deleted by 1997 Wis. Act 27, section 612m, without being shown as stricken. No change was intended. The correct form of "par." is inserted.

**SECTION 23.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Act 39, section 10, is amended to read:

20.445 (1) (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and 108.22, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all moneys not appropriated under ~~par.~~ pars. (ge), (gf) and (gg) and all moneys transferred to this appropriation account from the appropriation account under par. (gh) for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m), for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20.

NOTE: Inserts correct form of "par."

**SECTION 24.** 20.445 (3) (cm) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.445 (3) (cm) *Wisconsin works child care.* The amounts in the schedule for paying child care subsidies under s. 49.155. Before October 1, 1997, moneys appropriated under this paragraph may be used to fund child

care costs of individuals who secure unsubsidized employment and lose eligibility for aid to families with dependent children as provided under s. 49.191 (2), for child care and related transportation costs under s. 49.26 (1) (e), for at-risk and low-income child care under s. 49.132, 1995 stats., and for child care costs under ss. 49.191 (1) and 49.193 (8).

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 25.** 20.445 (3) (jg) of the statutes is amended to read:

20.445 (3) (jg) *State child care program operations.* All moneys transferred from s. 20.435 (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats., for the purposes of providing child care services under ss. s. 49.132 (2m) and, 1995 stats., s. 49.132 (3), 1995 stats., and s. 49.191 (1) (b) and (2) and for providing training for child care providers. All moneys transferred from s. 20.435 (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats., shall be distributed in the calendar year immediately following the transfer according to an expenditure plan that is determined by the department and approved by the secretary of administration.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 26.** The treatment of 20.566 (7) (v) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 27.** The treatments of 20.866 (1) (u) of the statutes by 1997 Wisconsin Act 27 are not repealed by 1997 Wisconsin Act 35. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 28.** 25.43 (2) (c) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

25.43 (2) (c) The department of administration may establish and change accounts in the environmental improvement fund other than those under pars. (a), (am) and (b). The department of administration shall consult the department of natural resources before establishing or changing an account that is needed to administer the programs under ss. 281.58 ~~or~~, 281.59 and 281.61.

NOTE: Deletes word inserted by 1997 Wis. Act 35 that was rendered surplusage by the treatment by 1997 Wis. Act 27.

**SECTION 29.** The treatment of 25.67 (2) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 78. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 30.** The treatment of 29.092 (13m) (a) of the statutes by 1997 Wisconsin Act 1 is not repealed by 1997 Wisconsin Act 27. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 31.** 29.095 (6) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after December 31, 1992.

**SECTION 32.** 33.457 (5) of the statutes is repealed.

NOTE: The audits required by this provision have been completed by the legislative audit bureau.

**SECTION 33.** 33.55 (1) (n) of the statutes, as created by 1997 Wisconsin Act 27, section 1148t, is amended to read:

33.55 (1) (n) One nonvoting representative from the southeastern Wisconsin regional planning commission, who shall be appointed by the chairperson of the southeastern Wisconsin regional planning commission.

NOTE: Clarifies which commission is to appoint the member. As applied to s. 33.54, commission is otherwise defined by s. 33.53 (2) to mean the Southeastern Wisconsin Fox River Commission.

**SECTION 34.** 33.60 (1) (c) of the statutes, as created by 1997 Wisconsin Act 27, section 1148t, is amended to read:

33.60 (1) (c) The commission shall publish as a class 1 notice under ch. 985 in Racine County and in Waukesha County, at least 15 days before the public hearing, a summary of the budget, a notice of the place where a copy of the budget is located for public inspection and a notice of the time and place for a public hearing on the budget.

NOTE: Inserts missing word.

**SECTION 35.** 40.51 (8m) of the statutes, as affected by 1997 Wisconsin Act 27, section 1325m, is amended to read:

40.51 (8m) Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747 and, 632.748 and 632.895 (11) to (13).

NOTE: Deletes unnecessary word.

**SECTION 36.** 44.09 (3) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after June 30, 1994.

**SECTION 37.** 45.351 (1g) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after June 30, 1997.

**SECTION 38.** 46.215 (1) (p) of the statutes is amended to read:

46.215 (1) (p) To establish and administer the child care program under s. ~~49.132~~ 49.155.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill. The child care program under former s. 49.132 is now found at s. 49.155.

**SECTION 39.** 46.22 (1) (b) 1. f. of the statutes is amended to read:

46.22 (1) (b) 1. f. To establish and administer the child care program under s. ~~49.132~~ 49.155.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill. The child care program under former s. 49.132 is now found at s. 49.155.

**SECTION 40.** The treatment of 46.495 (1) (d) of the statutes by 1997 Wisconsin Act 3, section 80, is not repealed by 1997 Wisconsin Act 27. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 41.** 48.299 (5) of the statutes is amended to read:

48.299 (5) On request of any party, unless good cause to the contrary is shown, any hearing under s. 48.209 (1)

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(e) or 48.21 (1) may be held on the record by telephone or live ~~audio-visual~~ audiovisual means or testimony may be received by telephone or live ~~audio-visual~~ audiovisual means as prescribed in s. 807.13 (2). The request and the showing of good cause for not conducting the hearing or admitting testimony by telephone or live ~~audio-visual~~ audiovisual means may be made by telephone.

NOTE: Corrects spelling.

**SECTION 42.** 48.30 (10) of the statutes is amended to read:

48.30 (10) The court may permit any party to participate in hearings under this section by telephone or live ~~audio-visual~~ audiovisual means.

NOTE: Corrects spelling.

**SECTION 43.** 48.335 (4) of the statutes is amended to read:

48.335 (4) At ~~hearing~~ hearings under this section, s. 48.357, 48.363 or 48.365, on the request of any party, unless good cause to the contrary is shown, the court may admit testimony on the record by telephone or live ~~audio-visual~~ audiovisual means, if available, under s. 807.13 (2). The request and the showing of good cause may be made by telephone.

NOTE: Corrects spelling.

**SECTION 44.** 48.396 (2) (ag) of the statutes is amended to read:

48.396 (2) (ag) Upon request of the parent, guardian or legal custodian of a child who is the subject of a record of a court specified in par. (a), or upon request of the child, if 14 years of age or over, the court shall open for inspection by the parent, guardian, legal custodian or child the records of the court relating to that child, unless the court finds, after due notice and hearing, that inspection of those records by the parent, guardian ~~or~~ legal custodian or child would result in imminent danger to anyone.

NOTE: Supplies omitted term. 1995 Wis. Act 352 amended this provision by inserting "anyone" as the last word, replacing "the child". The purpose of the change was to provide that inspection under this provision was not to be allowed where injury to anyone would result from inspection by anyone with inspection rights. The insertion of "child" is necessary to provide that harm from inspection by anyone with inspection rights can be prevented.

**SECTION 45.** 48.396 (2) (am) of the statutes is amended to read:

48.396 (2) (am) Upon the written permission of the parent, guardian or legal custodian of a child who is the subject of a record of a court specified in par. (a), or upon the written permission of the child, if 14 years of age or over, the court shall open for inspection by the person named in the permission any records specifically identified by the parent, guardian, legal custodian or child in the written permission, unless the court finds, after due notice and hearing, that inspection of those records by the person named in the permission would result in imminent danger to anyone.



NOTE: The 2nd clause of this provision provides for inspection of records upon written approval of the child, but the first clause does not authorize the child to give written permission. Language identical to that used in s. 48.396 (1m) and in s. 48.396 (1d) to grant the right to give written permission in related circumstances is inserted here.

**SECTION 46.** 48.46 (1) of the statutes, as affected by 1997 Wisconsin Acts 104 and 114, is amended to read:

48.46 (1) Except as provided in subs. (1m) and (2) and (3), the parent, guardian or legal custodian of the child or the child whose status is adjudicated by the court may at any time within one year after the entering of the court's order petition the court for a rehearing on the ground that new evidence has been discovered affecting the advisability of the court's original adjudication. Upon a showing that such evidence does exist, the court shall order a new hearing.

NOTE: Replaces "and" with comma to reconcile the treatments of this provision by 1997 Wis. Acts 104 and 114.

**SECTION 47.** The treatment of 48.57 (3m) (am) 4. of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 48.** The treatment of 48.57 (3m) (b) 1. of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 49.** The treatment of 48.57 (3m) (d) of the statutes by 1997 Wisconsin Act 3, section 95, is not repealed by 1997 Wisconsin Act 27. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 50.** 48.57 (3p) (g) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, section 1624, and 1997 Wisconsin Act 36, is amended to read:

48.57 (3p) (g) (intro.) Except as provided in the par. (h), the county department or, in a county having a population of 500,000 or more, the department of health and family services may not make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may not employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or permit a person to be an adult resident if any of the following applies:

NOTE: Reinserts language deleted by 1997 Wis. Act 36 and deletes language inserted by 1997 Wis. Act 36 as required to effectuate the amendment of this provision by 1997 Wis. Act 27, section 1624.

**SECTION 51.** 48.57 (3p) (g) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, section 1624d, and 1997 Wisconsin Act 36, is repealed and recreated to read:

48.57 (3p) (g) (intro.) A county department or, in a county having a population of 500,000 or more, the department of health and family services may not make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may not employ a person in a position in which that person would have regular contact with the child for whom

those payments are being made or permit a person to be an adult resident if any of the following applies:

NOTE: Recreates this provision as repealed and recreated by 1997 Wis. Act 27, section 1624d, to clarify that no change to the treatment of this provision by 1997 Wis. Act 27, section 1624d, was intended to be made by 1997 Wis. Act 36.

**SECTION 52.** The treatment of 48.57 (3p) (g) 3. of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 53.** 48.57 (3p) (h) of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

NOTE: 1997 Wis. Act 27, section 9423 (10f), provides that the repeal of s. 48.57 (3p) (h) takes effect on the day after publication of the 2001-03 biennial budget. Act 27 does not contain a provision repealing s. 48.57 (3p) (h). Drafting records show that the repeal was intended.

**SECTION 54.** 48.651 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, section 1653, is amended to read:

48.651 (1) (intro.) Each county department shall certify, according to the standards adopted by the department of workforce development under s. 49.155 (1d), each day care provider reimbursed for child care services provided to families determined eligible under ss. 49.132 (2r) and (4) and s. 49.155 (1m), unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification. The county shall certify the following categories of day care providers:

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 55.** 48.651 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, section 1653g, is amended to read:

48.651 (1) (intro.) Each county department shall certify, according to the standards adopted by the department of workforce development under s. 49.155 (1d), each day care provider reimbursed for child care services provided to families determined eligible under ss. 49.132 (2r) and (4) and s. 49.155 (1m), unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification. To be certified under this section, a person must meet the minimum requirements for certification established by the department of workforce development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and pay the fee specified in this section. The county shall certify the following categories of day care providers:

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 56.** 48.93 (1d) of the statutes, as affected by 1997 Wisconsin Acts 27 and 104, is amended to read:

48.93 (1d) All records and papers pertaining to an adoption proceeding shall be kept in a separate locked

file and may not be disclosed except under sub. (1g) or (1r), s. 46.03 (29), 48.432, 48.433, 48.434, 48.48 (17) (a) 9., or 48.57 (1) (j) or 48.434, or by order of the court for good cause shown.

NOTE: Places cities in numerical order.

**SECTION 57.** 48.982 (2) (g) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

48.982 (2) (g) (intro.) In coordination with the departments of health and social family services and public instruction:

NOTE: 1997 Wis. Act 27 inserted “social” without showing it as underscored and deleted “family” without showing it as stricken. No change was intended.

**SECTION 58.** Section 49.131 (title) of the statutes is repealed.

NOTE: The remainder of s. 49.131 was repealed or renumbered by 1997 Wis. Act 27.

**SECTION 59.** 49.132 of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is repealed.

NOTE: By the terms of s. 49.132 (6) this section does not apply after November 1, 1997.

**SECTION 60.** 49.133 (intro.) of the statutes is amended to read:

**49.133 Refusal to pay child care providers.** (intro.) The department or a county department under s. 46.215, 46.22 or 46.23 may refuse to pay a child care provider for child care provided under s. 49.132, 1995 stats., or any other program if any of the following applies to the child care provider, employee or person living on the premises where child care is provided:

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 61.** 49.137 (3) (c) of the statutes is amended to read:

49.137 (3) (c) A child care provider that is awarded a grant under this subsection shall use the grant funds to attempt to meet the quality of care standards established under s. 49.132 (4) (e), 1995 stats., within 24 months after receipt of the grant.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 62.** 49.137 (4) (a) and (c) of the statutes are amended to read:

49.137 (4) (a) Developing and recommending to the department a system of higher reimbursement rates or a program of grants for child care providers that meet the quality of care standards established under s. 49.132 (4) (e), 1995 stats.

(c) Disseminating to the public information about child care that meets the quality of care standards established under s. 49.132 (4) (e), 1995 stats.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 63.** 49.155 (1m) (c) 1m. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

49.155 (1m) (c) 1m. The individual was eligible under s. 49.132 (4) (a), 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995 stats., on September 30, 1997, but lost aid solely because of the

application of s. 49.132 (6), 1995 stats., and the gross income of the individual’s family is at or below 200% of the poverty line for a family the size of the individual’s family. This subdivision does not apply to an individual whose family’s gross income at any time on or after September 30, 1997, is more than 200% of the poverty line for a family the size of the individual’s family.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 64.** 49.155 (1m) (c) 2. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

49.155 (1m) (c) 2. The individual was eligible under s. 49.132 (4) (am), 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995 stats., on or after May 10, 1996, but lost eligibility solely because of increased income, and the gross income of the individual’s family is at or below 200% of the poverty line for a family the size of the individual’s family. This subdivision does not apply to an individual whose family’s gross income increased to more than 200% of the poverty line for a family the size of the individual’s family.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 65.** 49.175 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act 27, section 1857q, is amended to read:

49.175 (1) (b) 1. Except as provided in subd. 2. for payments to Wisconsin works agencies for subsidized employment costs, \$155,375,100 in fiscal year 1997–98 and ~~\$155,678,000~~ \$158,678,000 in fiscal year 1998–99.

NOTE: 1997 Wis. Act 27, section 1857q, inserted “\$155,678,000” without showing it as underscored and deleted “\$158,678,000” without showing it as stricken. Drafting records indicate that no change was intended.

**SECTION 66.** The treatment of 49.19 (11s) (d) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 67.** 49.191 (2) of the statutes is amended to read:

49.191 (2) CHILD CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN. The department shall pay the child care costs of an individual who secures unsubsidized employment and loses eligibility for aid to families with dependent children because of earned income or number of hours worked for up to 12 months following the loss of eligibility if the child care is provided by a child care provider. The department shall establish a formula for assistance based on ability to pay. The rates for child care services under this subsection shall be determined under s. 49.132 (4) (d), 1995 stats., s. 49.132 (4) (dg), 1995 stats., or s. 49.132 (4) (dm), 1995 stats., whichever is applicable, or, if a higher rate is established under s. 49.132 (4) (e), 1995 stats., and if the child care services meet the quality standards established under s. 49.132 (4) (e), 1995 stats., the rates for child care services under this subsection that meet those standards

shall be determined under s. 49.132 (4) (e), 1995 stats. The department shall promulgate rules for the disbursement of funds under this subsection. This subsection does not apply beginning on the first day of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 68.** 49.193 (4) (j) 4. of the statutes is repealed.

NOTE: By its terms, this provision does not apply after June 30, 1997.

**SECTION 69.** 49.193 (8) (a) of the statutes is amended to read:

49.193 (8) (a) The department shall pay child care costs of persons with approved employability plans who are participating in the program under this section and of persons who are participating in orientation and job search activities required under sub. (3m). Payment or reimbursement shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of care or the rate established under s. 49.132 (4) (d), 1995 stats., s. 49.132 (4) (dg), 1995 stats., or s. 49.132 (4) (dm), 1995 stats., whichever is applicable, or, if a higher rate is established under s. 49.132 (4) (e), 1995 stats., and if the child care meets the quality standards established under s. 49.132 (4) (e), 1995 stats., payment or reimbursement for child care that meets those standards shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of the care or the rate established under s. 49.132 (4) (e), 1995 stats.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 70.** 49.27 (6) (c) of the statutes is amended to read:

49.27 (6) (c) *Benefits.* A county department under s. 46.215, 46.22 or 46.23 shall provide assistance in paying the child care costs of a work-not-welfare group that is eligible to receive benefits under this paragraph if the child care is provided by a child care provider, as defined in s. 49.132 (1) (am), 1995 stats. The formula for determining the amount of assistance shall be the same as the formula established by the department under s. 49.191 (2). The rates for child care services under this paragraph shall be determined under s. 49.132 (4) (d), s. 49.132 (4) (dg), 1995 stats., or s. 49.132 (4) (dm), 1995 stats., whichever is applicable, or, if a higher rate is established under s. 49.132 (4) (e), 1995 stats., and if the child care services meet the quality standards established under s. 49.132 (4) (e), 1995 stats., the rates for child care services under this paragraph that meet those standards shall be determined under s. 49.132 (4) (e), 1995 stats. The department shall promulgate rules for the disbursement of funds under this paragraph.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 71.** 49.27 (10) (c) of the statutes is amended to read:

49.27 (10) (c) *Children's services network.* Each county department under s. 46.215, 46.22 or 46.23 entering into a contract with the department under par. (a) shall establish a children's services network. The children's services network shall provide information about community resources available to the children in a work-not-welfare group during the work-not-welfare group's benefit period and the work-not-welfare group's period of ineligibility under sub. (4) (f), including charitable food and clothing centers; the state supplemental food program for women, infants and children under s. 253.06; and child care programs under s. 49.132, 1995 stats.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 72.** The treatment of 49.32 (9) (a) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 73.** The treatment of 49.32 (9) (b) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 74.** 49.45 (6r) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after September 30, 1992.

**SECTION 75.** The treatments of 49.855 (3) of the statutes by 1997 Wisconsin Act 27 are not repealed by 1997 Wisconsin Act 35. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 76.** 49.855 (4) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

49.855 (4) The department of revenue shall send that portion of any state or federal tax refunds or credits withheld for delinquent child support or maintenance or past support, medical expenses or birth expenses to the department of workforce development or its designee for distribution to the obligee. The department of workforce development shall make a settlement at least annually with the department of revenue. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits and the administrative costs incurred by the department of revenue. ~~county~~

NOTE: The stricken text was inserted by 1997 Wis. Act 35, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 27.

**SECTION 77.** The treatments of 49.855 (4m) (b) of the statutes by 1997 Wisconsin Act 27 are not repealed by 1997 Wisconsin Act 35. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 78.** 50.034 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 13, is amended to read:

50.034 (1) (a) No person may operate a residential care apartment complex that provides living space for residents who are clients under s. 46.27 (11) or 46.277



and publicly funded services as a home health agency or under contract with a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 that is a home health agency unless the residential care apartment complex is certified by the department under this section. The department may charge a fee, in an amount determined by the department, for certification under this paragraph. The amount of any fee charged by the department for certification of a residential care apartment complex need not be promulgated as a rule under ch. 227.

NOTE: The underscored word was inserted by 1997 Wis. Act 13 without being shown as underscored. The change was intended.

**SECTION 79.** 50.034 (6) of the statutes, as affected by 1997 Wisconsin Act 13, is amended to read:

50.034 (6) FUNDING. Funding for supportive, personal or nursing services that a person who resides in a residential care apartment complex receives, other than private or 3rd-party funding, may be provided only under s. 46.27 (11) (c) 7. or 46.277 (5) (e), unless the provider of the services is a certified medical assistance provider under s. 49.45.

NOTE: The underscored word was inserted by 1997 Wis. Act 13 without being shown as underscored. The change was intended.

**SECTION 80.** 50.04 (2) (c) 2. b. of the statutes is amended to read:

50.04 (2) (c) 2. b. A shortage of nurses or nurse's assistants available for employment by the nursing home exists; ~~or,~~

NOTE: Deletes unnecessary "or" and inserts correct punctuation.

**SECTION 81.** 50.50 (1) of the statutes is amended to read:

50.50 (1) "Ambulatory surgery center" has the meaning given in s. 49.45 (6r) (a) 1. 42 CFR 416.2.

NOTE: Section 49.45 (6r) does not apply after September 30, 1992, and is repealed by this bill. The definition contained in s. 49.45 (6r) is inserted here.

**SECTION 82.** The treatment of 51.437 (4rm) (a) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 83.** The treatment of 59.40 (2) (h) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 84.** The treatment of 59.43 (2) (ag) 1. of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 79. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 85.** The treatment of 59.53 (5m) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35, section 163. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 86.** The treatment of 59.64 (1) (a) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

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**SECTION 87.** The treatment of 59.692 (1) (b) of the statutes by 1995 Wisconsin Act 201, section 476, is not repealed by 1995 Wisconsin Act 227, section 206. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 88.** 60.725 of the statutes is repealed.

NOTE: By its terms, this provision does not apply after May 14, 1992.

**SECTION 89.** 60.726 (1) of the statutes is amended to read:

60.726 (1) Property that is excluded from a town sanitary district under s. 60.725 (1), 1995 stats., or, subject to sub. (2), property that is excluded from a town sanitary district under s. 60.725 (2), 1995 stats., shall be included in the town sanitary district, retroactive to April 19, 1990, and shall be subject to all property taxes, special assessments, special charges or other charges imposed or assessed by the town sanitary district on or after April 19, 1990.

NOTE: Section 60.725 is does not apply after May 14, 1992, and is repealed by this bill.

**SECTION 90.** 66.038 of the statutes is repealed.

NOTE: By the terms of s. 66.038 (7) this section does not apply after December 31, 1996.

**SECTION 91.** 66.46 (7) (am) of the statutes is amended to read:

66.46 (7) (am) Sixteen years after the last expenditure identified in the project plan is made if the district to which the plan relates is created after September 30, 1995, or 20 years after the last expenditure identified in the project plan is made if the district to which the plan relates is created before October 1, 1995, except that in no case may the total number of years during which expenditures are made under ~~par. sub. (6)~~ (am) 1. plus the total number of years during which tax increments are allocated under this paragraph exceed 27 years.

NOTE: There is no s. 66.46 (7) (am) 1. Sub. (6) (am) 1. refers to the number of years in which expenditures are made and drafting records indicate the reference was to be to sub. (6) (am) 1., having been copied from sub. (6) (d) 2. without having the correct subsection number inserted.

**SECTION 92.** 70.47 (12) of the statutes is amended to read:

70.47 (12) NOTICE OF DECISION. Prior to final adjournment, the board of review shall provide the objector, or the appropriate party under sub. (10), notice by personal delivery or by mail, return receipt required, of the amount of the assessment as finalized by the board and an explanation of appeal rights and procedures under sub. (14) (13) and ss. 70.85, 74.35 and 74.37. Upon delivering or mailing the notice under this subsection, the clerk of the board of review shall prepare an affidavit specifying the date when that notice was delivered or mailed.

NOTE: Inserts correct cross-reference. Sub. (13) is entitled "Certiorari" and relates to appeals. Sub. (14) does not deal directly with appeals except to refer to delays in tax payments in the event of "an appeal as provided in sub. (13)..."

**SECTION 93.** 71.22 (4) (i) of the statutes, as affected by 1997 Wisconsin Act 37, is amended to read:



71.22 (4) (i) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), “internal revenue code”, for taxable years that begin after December 31, 1993, and before January 1, 1995, means the federal internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, and P.L. 104–193 and P.L. 105–34 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193 and P.L. 105–34. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193 and P.L. 105–34 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193 and P.L. 105–34 apply for Wisconsin purposes at the same time as for federal purposes.

NOTE: 1997 Wis. Act 37 deleted the stricken “and” without showing it as stricken. The change was intended.

**SECTION 94.** The treatment of 72.30 (1) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 95.** The treatment of 73.03 (2a) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 96.** 84.11 (5) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after June 30, 1993.

**SECTION 97.** 84.11 (5m) of the statutes is amended to read:

84.11 (5m) (title) APPORTIONMENT OF COST AFTER JUNE 30, 1993. The state shall pay one-third of the cost of projects constructed under sub. (1m), the county or counties in which the bridge project is located shall pay one-third, and the one or more cities, villages and towns in which any part of the bridge project is located shall pay one-third, except that to the extent discretionary federal aid for highways allocated to Wisconsin is used to finance any portion of the cost of the project, the portion of the cost to be borne by the state and any county, city, village or town, respectively, shall be proportionately reduced. The portion to be paid by the counties shall be borne equally by the counties in which the bridge project is located, except that no bridge project shall be considered as located within a county unless an entrance to the bridge proper is wholly or partly within the limits of that county. If a bridge project wholly within one county is located in more than one city, village or town, their respective portions of the cost shall be in proportion to their respective assessed valuations as last equalized by the county board prior to the date of the department’s finding, determination and order. If such cities, villages or towns are located in more than one county, the portion of the cost paid by all cities, villages and towns shall first be apportioned equally according to the number of counties, and then to the cities, villages and towns in each county in proportion to their respective assessed valuations as provided in this subsection. ~~This subsection applies after June 30, 1993.~~

NOTE: Deletes obsolete transition provision. See the previous section of this bill.

**SECTION 98.** 84.11 (7) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after June 30, 1993.

**SECTION 99.** 84.11 (7m) of the statutes is amended to read:

84.11 (7m) (title) EXECUTION AND CONTROL OF WORK AFTER JUNE 30, 1993. Subject to the control and supervision over the navigable waters of the state conferred by law upon the department of natural resources, and the control exercised by the United States, the construction under this section of any bridge project shall be wholly under the supervision and control of the department. The secretary shall make and execute all contracts and have complete supervision over all matters pertaining to such construction and shall have the power to suspend or discontinue proceedings or construction relative to any bridge project at any time in the event any county, city, village or town fails to pay the amount required of it as to any project under sub. (1m), or in the event the secretary determines that sufficient funds to pay the state’s part of the cost of the bridge project are not available. All moneys provided by counties, cities, villages and towns shall be deposited in the state treasury, when required by the secretary, and paid out on order of the secretary. Any of such moneys deposited for a project eligible for con-

struction under sub. (1m) which remain in the state treasury after the completion of the project shall be repaid to the respective counties, cities, villages and towns in such amounts as to result in the distribution provided in sub. (5m). ~~This subsection applies after June 30, 1993.~~

NOTE: Deletes obsolete transition provision. See the previous section of this bill.

**SECTION 100.** The treatment of 87.305 (1) (c) (intro.) of the statutes by [1995 Wisconsin Act 247](#) is not repealed by [1995 Wisconsin Act 378](#). Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 101.** 91.75 (9) (a) 1. of the statutes is amended to read:

91.75 (9) (a) 1. A reclamation plan, submitted as required by a nonmetallic mining reclamation ordinance adopted under s. 66.038, [1995 stats.](#), or s. 295.13, that fulfills reclamation standards established by the ordinance.

NOTE: Section 66.038 does not apply after December 31, 1996, and is repealed by this bill.

**SECTION 102.** 93.50 (3) (g) of the statutes is amended to read:

93.50 (3) (g) *Effect of mediation.* The parties may at any time withdraw from mediation. The parties have full responsibility for reaching and enforcing any agreement among them. A mediation agreement may include an agreement for the payment of property taxes, special assessments that have been settled in full by the county under s. 74.29, special charges or special taxes assessed against agricultural property that are subject to a tax certificate issued under s. 74.57 in ~~installments~~ instalments, as long as the agreement is not inconsistent with county board policy. After the expiration of the time period specified in the suspension order under sub. (2m), the parties may no longer participate in the mediation process regarding the same subject matter under this section unless the parties and the mediator agree to continue the mediation.

NOTE: Inserts preferred spelling.

**SECTION 103.** 101.143 (3) (am) 1. of the statutes, as affected by [1997 Wisconsin Act 27](#), is amended to read:

101.143 (3) (am) 1. An owner or operator or a person owning a home oil tank system is not eligible for an award under this section for costs incurred because of a petroleum product discharge from a an underground petroleum product storage tank system or a home oil tank system if the discharge is confirmed after December 31, 1995, and the discharge is confirmed, or activities under par. (c) or (g) are begun with respect to that discharge, after the day on which the underground petroleum product storage tank system or home oil tank system first meets the upgrading requirements in [40 CFR 280.21](#) (b) to (d) or in rules promulgated by the department relating to the upgrading of existing underground petroleum product storage tank systems, except as provided in subd. 2.

NOTE: [1995 Wis. Act 27](#) deleted “a” without showing it as stricken. The change was intended.

**SECTION 104.** 108.20 (2m) of the statutes, as affected by [1997 Wisconsin Act 39](#), section 145, is amended to read:

108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge), (gf) and (gg) which are received by the administrative account as interest and penalties under this chapter, the department shall pay the benefits chargeable to the administrative account under s. 108.07 (5) and the interest payable to employers under s. 108.17 (3m) and may pay interest due on advances to the unemployment reserve fund from the federal unemployment account under title XII of the social security act, [42 USC 1321 to 1324](#), may make payments to satisfy a federal audit exception concerning a payment from the fund or any federal aid disallowance involving the unemployment insurance program, ~~or~~ may make payments to the fund if such action is necessary to obtain a lower interest rate or deferral of interest payments on advances from the federal unemployment account under title XII of the social security act or may provide career counseling center grants under s. 106.14, except that any interest earned pending disbursement of federal employment security grants under s. 20.445 (1) (n) shall be credited to the general fund. Any moneys reverting to the administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as provided in this subsection.

NOTE: The stricken language was deleted by [1997 Wis. Act 27](#) and reinserted by [1997 Wis. Act 39](#) without being underscored. The reinsertion was not intended.

**SECTION 105.** 115.28 (19) (a) of the statutes is repealed.

NOTE: By its terms, this provision does not apply after July 1, 1992.

**SECTION 106.** 115.28 (19) (b) of the statutes is renumbered 115.28 (19) and amended to read:

115.28 (19) **FEDERAL DISCRETIONARY FUNDS.** Ensure that federal aid received under [20 USC 1411](#) (c) (1) (A) ~~after July 1, 1992~~, is not used to supplant or replace funding available from other sources.

NOTE: Deletes obsolete transition provision. See the previous section of this bill.

**SECTION 107.** 115.40 (4) (a) of the statutes, as affected by [1997 Wisconsin Act 27](#), is amended to read:

115.40 (4) (a) The state superintendent and the secretary of health and ~~social~~ family services shall provide technical assistance to and consult with applicants regarding the preparation of their applications.

NOTE: The stricken language was inserted by [1997 Wis. Act 27](#) without being shown as underscored and the underscored language was deleted without being stricken. No changes were intended.

**SECTION 108.** 115.40 (4) (b) of the statutes, as affected by [1997 Wisconsin Act 27](#), is amended to read:

115.40 (4) (b) The state superintendent and the secretary of health and ~~social~~ family services shall review the applications and jointly determine the grant recipients and the amount of each grant. A grant may not be

awarded to a school board, agency or organization unless the percentage of the participating school district's membership in the previous school year for whom aid to families with dependent children was being received under s. 49.19, or who were members of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who participated under s. 49.147 (3) to (5), was greater than 5%. In this paragraph, "membership" has the meaning given in s. 121.004 (5).

NOTE: The stricken language was inserted by 1997 Wis. Act 27 without being shown as underscored and the underscored language was deleted without being stricken. No change was intended.

**SECTION 109.** 115.40 (4) (c) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:  
115.40 (4) (c) (intro.) The state superintendent and the secretary of health and ~~sœcial~~ family services shall give preference in awarding grants under this section to all of the following:

NOTE: The stricken language was inserted by 1997 Wis. Act 27 without being shown as underscored and the underscored language was deleted without being stricken. No changes were intended.

**SECTION 110.** The treatment of 115.81 (2) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 59. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 111.** 115.85 (2m) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

115.85 (2m) PLACEMENT DISPUTES. If a dispute arises between the school board and the department of health and family services, the department of corrections or a county department under s. 46.215, 46.22 or 46.23, or between school boards under s. 115.815 (4) (c), over the placement of a child in an appropriate program under sub. (2), the state superintendent shall resolve the dispute. This subsection applies only to placements in nonresidential educational programs made under s. ~~48.48~~ (17) (a) 3., 48.57 (1) (c), 938.48 (4) or 938.57 (1) (c) and to placements in child caring institutions made under s. 115.815.

NOTE: The underscored citation was deleted by 1997 Wis. Act 35, but the treatment of this provision by 1997 Wis. Act 27 requires its reinsertion.

**SECTION 112.** The treatment of 115.92 (1) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 104. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 113.** 118.40 (1) (title) of the statutes is amended to read:

118.40 (1) (title) NOTICE TO DEPARTMENT ~~STATE SUPERINTENDENT~~.

NOTE: Conforms title to text.

**SECTION 114.** 118.40 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.40 (3) (d) A school board or an entity under s. ~~118.40 sub.~~ (2r) (b) shall give preference in awarding contracts for the operation of charter schools to those

charter schools that serve children at risk, as defined in s. 118.153 (1) (a).

NOTE: Corrects form of cross-reference.

**SECTION 115.** 118.43 (6) (b) 4. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

118.43 (6) (b) 4. In the 1999–2000 school year, divide the amount appropriated by the sum of the number of low-income pupils enrolled in grades kindergarten to 3 in each school in this state covered by contracts under sub. (3) (a) and the number of low-income pupils enrolled in grades kindergarten to 2 in each school in this state covered by contracts under sub. (3) (am) and multiply the quotient by the number of pupils enrolled in those grades in each school in the school district covered by contracts ~~the under this~~ section.

NOTE: Inserts correct language consistent with the treatments of s. 118.43 (6) (b) 3. and 6. which contain identical language.

**SECTION 116.** The treatment of 119.04 (1) of the statutes by 1997 Wisconsin Act 77 is not repealed by 1997 Wisconsin Act 113. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 117.** 119.72 (2) (a) of the statutes is amended to read:

119.72 (2) (a) Children with a parent eligible for day care funds under s. 49.132 (4) (a) 1. ~~to 3., 1995 stats., s. 49.132 (4) (a) 2., 1995 stats., or s. 49.132 (4) (a) 3., 1995 stats.~~

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 118.** 119.72 (2) (b) of the statutes is amended to read:

119.72 (2) (b) Children with a parent in need of child care services funded under s. 49.132, 1995 stats.

NOTE: Section 49.132 does not apply after November 1, 1997, and is repealed by this bill.

**SECTION 119.** 119.84 of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

NOTE: By its terms, this provision does not apply after June 30, 1996.

**SECTION 120.** 134.71 (1) (a) 1. of the statutes is amended to read:

134.71 (1) (a) 1. ~~Audio-visual~~ Audiovisual equipment.

NOTE: Corrects spelling.

**SECTION 121.** The treatment of 146.40 (title) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 122.** The treatment of 150.31 (5r) of the statutes by 1997 Wisconsin Act 13 is not repealed by 1997 Wisconsin Act 36. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 123.** The treatment of chapter 154 (title) of the statutes by 1995 Wisconsin Act 168 is not repealed by 1995 Wisconsin Act 200. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 124.** 165.829 of the statutes is repealed.



NOTE: By its terms, this provision does not apply after October 1, 1997.

**SECTION 125.** The treatment of 165.87 (1) (bn) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 36. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 126.** 180.1130 (13) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

180.1130 (13) (intro.) “Take-over offer” means the offer to acquire or the acquisition of any equity security, as defined in s. 552.01 (2), of a resident domestic corporation, pursuant to a tender offer or request or invitation for tenders, if after the acquisition thereof the offeror or offeror, as defined in s. 552.01 (3), would be directly or indirectly a beneficial owner of more than 5% of any class of the outstanding equity securities of the issuer. “Take-over offer” does not include an offer or acquisition of any equity security of a resident domestic corporation pursuant to:

NOTE: A space was erroneously inserted by Act 27 changing “offeror” to “offer or”. No change was intended.

**SECTION 127.** The treatment of 224.72 (5) (b) 1. of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 128.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

233.10 (3) (a) (intro.) In this subsection and subs. (3m), and (4) and (6), “carry-over employee” means an employee of the authority who satisfies all of the following:

NOTE: Section 233.10 (6) was repealed eff. 7-1-97 by 1995 Wis. Act 27.

**SECTION 129.** The treatments of 252.10 (7) of the statutes by 1997 Wisconsin Acts 27, 75 and .... (Senate Bill 262) are not repealed by 1997 Wisconsin Act .... (Senate Bill 258). All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 130.** 253.12 (3) (c) of the statutes is amended to read:

253.12 (3) (c) Coordinate data dissemination activities of the department with those of the division for learning support, equity and advocacy in the department of education public instruction with respect to the information collected under sub. (2).

NOTE: The treatment of this provision by 1995 Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*. 1997 Wis. Act 27 returned affected statutes provisions to their pre-1995 Act 27 form by replacing “department of education” with “department of public instruction”. This provision was inadvertently omitted from 1997 Wis. Act 27.

**SECTION 131.** 253.12 (5) (a) 3. of the statutes is amended to read:

253.12 (5) (a) 3. To the division for learning support, equity and advocacy in the department of education public instruction, upon request, the name and address of an infant or child for whom a report is made under sub. (2) and other information necessary to aid the division in

providing services to the infant or child. The department shall notify the parent or guardian of an infant or child about whom information is released under this subdivision, of the release. The division for learning support, equity and advocacy in the department of education public instruction may disclose information received under this paragraph only as necessary to provide services to the infant or child.

NOTE: The treatment of this provision by 1995 Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*. 1997 Wis. Act 27 returned other affected statutes provisions to their pre-1995 Act 27 form by replacing “department of education” with “department of public instruction”. This provision was inadvertently omitted from 1997 Wis. Act 27.

**SECTION 132.** 287.25 (4) (a) 7. of the statutes, as affected by 1997 Wisconsin Act 60, section 5, is amended to read:

287.25 (4) (a) 7. Consideration of the application or implementation of innovative technologies in a project which employs a proven technology in a waste reduction or recycling activity. Notwithstanding ~~par. (f)~~ subd. 6., a project which employs a proven technology may receive grant moneys for that portion of the project which implements innovative technologies and applications.

NOTE: The stricken language was deleted by 1997 Wis. Act 60 without being shown as stricken. The change was intended.

**SECTION 133.** 287.25 (4s) of the statutes, as affected by 1997 Wisconsin Act 60, is amended to read:

287.25 (4s) REQUESTS FOR PROPOSALS. The department may request proposals for a waste reduction and recycling activity or a community-wide waste reduction program eligible for funding under this section. Notwithstanding sub. (4) (a), ~~(f) and (g)~~ 6. and 7., the department may award a demonstration grant for a waste reduction and recycling project proposed in response to a request under this subsection that does not implement innovative technology. The amount awarded for demonstration grants under this subsection in a fiscal biennium may not exceed 50% of the total amount available for demonstration grants under this section in that fiscal biennium.

NOTE: 1997 Wis. Act 60 renumbered s. 287.25 (4) (g) and (f) to s. 287.25 (4) (a) 6. and 7. Act 60 erroneously changed the cross-reference to “sub. (f) and (g)” to sub. (4) (a), (f) and (g). There was no intent to add the former sub. (a) to the cross-reference.

**SECTION 134.** 293.83 (1) (d) of the statutes, as affected by 1997 Wisconsin Act .... (Assembly Bill 447), is amended to read:

293.83 (1) (d) *Enforcement of orders.* The department shall cancel the mining permit for a mining site held by an operator who fails to comply with an order issued under par. (a) 1. The department shall inform the department of justice of the cancellation within 14 days. After receiving notice of the cancellation, the department of justice ~~is informed, it~~ shall commence an action under s. 293.87.



NOTE: 1997 Wis. Act .... (AB 447) deleted the language stricken in this section without showing it as stricken. The change was intended.

**SECTION 135.** The treatment of 301.26 (4) (e) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 136.** 340.01 (25r) of the statutes is renumbered 340.01 (25j).

NOTE: Renumbers subsection to restore alphabetical order.

**SECTION 137.** The treatment of 341.14 (1q) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 67. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 138.** The treatment of 342.30 (4) (a) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 33. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 139.** The treatment of 343.51 (1) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 67. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 140.** The treatment of 345.47 (1) (b) of the statutes by 1997 Wisconsin Act 84 is not repealed by 1997 Wisconsin Act 135. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 141.** The treatment of 346.63 (2) (b) of the statutes by 1995 Wisconsin Act 436 is not repealed by 1995 Wisconsin Act 448. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 142.** 422.202 (2m) (a) and (b) of the statutes are repealed.

NOTE: Section 422.202 (2m) (a) states:

"If the attorney general determines that the charge described under par. (b) 1. is not interest within the meaning of 12 USC 85, as interpreted by the U.S. supreme court through December 31, 1996, the attorney general shall issue an opinion which so states and shall publish the opinion in the Wisconsin administrative register no later than February 1, 1997."

Section 422.202 (2m) (b) states:

"This paragraph does not apply after January 31, 1997, unless the attorney general publishes the opinion under par. (a) no later than that date..."

The attorney general did not publish the opinion under s. 422.202 (2m) (a) in the Wisconsin administrative register by February 1, 1997. By its terms, par. (b) does not apply after January 31, 1997. The time for filing the opinion under par. (a) having passed, par. (a) has no current applicability.

**SECTION 143.** 422.202 (2m) (c) of the statutes is renumbered 422.202 (2m), and 422.202 (2m) (intro.) and (b), as renumbered, are amended to read:

422.202 (2m) (intro.) This paragraph applies beginning on February 1, 1997, unless the attorney general has published the opinion under par. (a) by that date. With respect to an open-end credit plan, regardless of when the plan was entered into:

(b) For purposes of 12 USC 85, 1463 (g), 1785 and 1831d, both the finance charge under s. 422.201 and charges permitted under subd. 1. par. (a) are interest and

may be charged, collected and received as interest by a creditor.

NOTE: Deletes obsolete transition provision. The attorney general did not publish the opinion under s. 422.202 (2m) (a) in the Wisconsin administrative register by February 1, 1997. It also renumbers the section to reflect the repeal of s. 422.202 (2m) (a) and (b) by this bill. See the note to the previous section of this bill.

**SECTION 144.** 562.124 (3) of the statutes is amended to read:

562.124 (3) The ~~board~~ department shall confer with representatives of the United States snowmobile association in developing rules to protect the integrity of the sport of snowmobile racing.

NOTE: Prior to the enactment of 1997 Wis. Act 27, "board" as used in chs. 562 and 563 referred to gaming board. The gaming board was eliminated by Act 27, the functions of the board were transferred to the department of administration and all references to "board" were intended to be changed to "department".

**SECTION 145.** 562.124 (4) of the statutes is amended to read:

562.124 (4) If the ~~board~~ department authorizes on-track pari-mutuel wagering on snowmobile racing, the ~~board~~ department shall prepare and submit to the chief clerk of each house of the legislature under s. 13.172 (2) a report on whether any additional civil or criminal penalties are necessary to enforce its rules.

NOTE: See the note to the treatment of s. 562.124 (3) by this bill.

**SECTION 146.** 562.125 (1) of the statutes is amended to read:

562.125 (1) INVESTIGATIONS. The department of justice may investigate any activities by the ~~board~~ department and the ~~board's department's~~ employees and contractors, or by the licensees and their employees and contractors, which affect the operation or administration of racing and on-track pari-mutuel wagering, and shall report suspected violations of state or federal law to the appropriate prosecuting authority.

NOTE: See the note to the treatment of s. 562.124 (3) by this bill.

**SECTION 147.** 562.13 (2) (b) of the statutes is amended to read:

562.13 (2) (b) Intentionally makes a false statement or material omission in an application for employment with the ~~board~~ department.

NOTE: See the note to the treatment of s. 562.124 (3) by this bill.

**SECTION 148.** 563.12 (11) of the statutes is amended to read:

563.12 (11) Other information which the ~~board~~ department ~~deems~~ considers necessary to administer this chapter.

NOTE: See the note to the treatment of s. 562.124 (3) by this bill. Also inserts preferred term.

**SECTION 149.** 601.41 (7) (a) of the statutes, as created by 1997 Wisconsin Act 51, is amended to read:

601.41 (7) (a) Any rights that the individuals may have under state or federal laws affecting health benefit plans, including laws that relate to portability, or continuation coverage, as defined in s. 252.16 (1) (a), or conversion coverage under s. 632.897.

NOTE: Section 252.16 (1) (a) was repealed by 1997 Wis. Act 27. Continuation coverage and conversion coverage are both treated by s. 632.897.

**SECTION 150.** 611.07 (4) (title) of the statutes, as affected by 1997 Wisconsin Act 79, is amended to read:

611.07 (4) (title) WAIVER OF NOTICE AND INFORMAL ACTION BY SHAREHOLDERS, POLICYHOLDERS OR DIRECTORS.

NOTE: The underscored language was inserted by 1997 Wis. Act 79 without being shown as underscored. The change was intended.

**SECTION 151.** 614.66 of the statutes is amended to read:

**614.66 Exclusive agency contracts and management contracts.** Sections 611.66 and 611.67 apply to fraternal, except that the reference in s. ~~611.66~~ to s. 611.26 (1) contained in s. 611.66 is to that section as incorporated by s. 614.24.

NOTE: Reorders cross-references to facilitate computer searching.

**SECTION 152.** 626.125 of the statutes, as affected by 1997 Wisconsin Act 3, is repealed.

NOTE: By its terms this provision does not apply after December 31, 1993.

**SECTION 153.** 632.898 (title) of the statutes is repealed.

NOTE: The remainder of section 632.898 was either repealed or renumbered to another section by 1997 Wis. Act 27.

**SECTION 154.** The treatment of 707.37 (4) (d) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 155.** 767.262 (4) (b) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

767.262 (4) (b) The court may order payment of costs under this section by the department or its designee, whichever is appropriate, in an action in which the court finds that the record of payments and arrearages kept by the department or its designee ~~59.53 (5m)~~ is substantially incorrect and that the department or its designee has failed to correct the record within 30 days after having received information that the court determines is sufficient for making the correction.

NOTE: The stricken text was inserted by 1995 Wis. Act 35, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 27.

**SECTION 156.** 767.29 (1) (a) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

767.29 (1) (a) All orders or judgments providing for temporary or permanent maintenance, child support or family support payments shall direct the payment of all such sums to the ~~59.53 (5m)~~ department or its designee for the use of the person for whom the same has been

awarded. A party securing an order for temporary maintenance, child support or family support payments shall forthwith file the order, together with all pleadings in the action, with the clerk of court.

NOTE: The stricken text was inserted by 1995 Wis. Act 35, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 27.

**SECTION 157.** 767.47 (10) of the statutes is amended to read:

767.47 (10) A record of the testimony of the child's mother relating to the child's paternity, made as provided under s. 48.299 (8) or 938.299 ~~(6)~~ (8), is admissible in evidence on the issue of paternity.

NOTE: The stricken language was inserted by 1995 Wis. Act 77, but rendered surplusage by the treatment of this provision by 1995 Wis. Act 275.

**SECTION 158.** The treatment of 767.53 (2) of the statutes by 1995 Wisconsin Act 201 is not repealed by 1995 Wisconsin Act 404. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 159.** The treatments of 779.01 (4) of the statutes by 1997 Wisconsin Acts 27 and 35 are not repealed by 1997 Wisconsin Act 44. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 160.** The treatment of 779.40 (1) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 161.** 807.13 (title) of the statutes is amended to read:

**807.13 (title) Telephone and audio—visual audio-visual proceedings.**

NOTE: Corrects spelling.

**SECTION 162.** 807.13 (2) (intro.) of the statutes is amended to read:

807.13 (2) EVIDENTIARY HEARINGS. (intro.) In civil actions and proceedings, including those under chs. 48, 51, 55 and 880, the court may admit oral testimony communicated to the court on the record by telephone or live ~~audio—visual~~ audiovisual means, subject to cross-examination, when:

NOTE: Corrects spelling.

**SECTION 163.** 807.14 of the statutes is amended to read:

**807.14 Interpreters.** On request of any party, the court may permit an interpreter to act in any civil proceeding other than trial by telephone or live ~~audio—visual~~ audiovisual means.

NOTE: Corrects spelling.

**SECTION 164.** The treatments of 814.612 (intro.) of the statutes by 1997 Wisconsin Act 27 are not repealed by 1997 Wisconsin Act 35. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 165.** 887.23 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

887.23 (1) WHO MAY REQUIRE. The department of health and ~~social~~ family services, the department of corrections, the state superintendent of public instruction

or the board of regents of the university of Wisconsin system may order the deposition of any witness to be taken concerning any institution under his, her or its government or superintendence, or concerning the conduct of any officer or agent thereof, or concerning any matter relating to the interests thereof. Upon presentation of a certified copy of such order to any municipal judge, notary public or court commissioner, the officer shall take the desired deposition in the manner provided for taking depositions to be used in actions. When any officer or agent of any institution is concerned and will be affected by the testimony, 2 days' written notice of the time and place of taking the deposition shall be given him or her. Any party interested may appear in person or by counsel and examine the witness touching the matters mentioned in the order. The deposition, duly certified, shall be delivered to the authority which ordered it.

NOTE: 1997 Wis. Act 27 inserted "social" without showing it as underscored and deleted "family" without showing it as stricken. No change was intended.

**SECTION 166.** The treatments of 895.035 (2m) (b), (bm) 1. and (c) of the statutes by 1997 Wisconsin Act 27 are not repealed by 1997 Wisconsin Act 35. All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 167.** 895.55 (5) of the statutes is amended to read:

895.55 (5) Nothing in this section affects the responsibility of a person under sub. (3) (a) to fulfill that person's requirements under s. 144.76 292.11.

NOTE: Inserts the correct cross-reference. Section 144.76 was renumbered by 1995 Wis. Act 227.

**SECTION 168.** The treatment of 938.183 (2) (c) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 169.** The treatment of 938.22 (1) (c) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 170.** 938.299 (5) of the statutes is amended to read:

938.299 (5) On request of any party, unless good cause to the contrary is shown, any hearing under s. 938.209 (1) (e) or 938.21 (1) may be held on the record by telephone or live ~~audio-visual~~ audiovisual means or testimony may be received by telephone or live ~~audio-visual~~ audiovisual means as prescribed in s. 807.13 (2). The request and the showing of good cause for not conducting the hearing or admitting testimony by telephone or live ~~audio-visual~~ audiovisual means may be made by telephone.

NOTE: Corrects spelling.

**SECTION 171.** 938.30 (6) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

938.30 (6) If a petition is not contested, the court shall set a date for the dispositional hearing which allows rea-

sonable time for the parties to prepare but is no more than 10 days from the plea hearing for a juvenile who is held in secure custody and no more than 30 days from the plea hearing for a juvenile who is not held in secure custody. If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce ~~industry, labor and job~~ development under s. 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent the court may proceed immediately with the dispositional hearing. If a citation is not contested, the court may proceed immediately to enter a dispositional order.

NOTE: The stricken language was inserted by 1997 Wis. Act 35, without taking into account the treatment by 1997 Wis. Act 27 which changed the department of industry, labor and job development to the department of workforce development.

**SECTION 172.** 938.30 (10) of the statutes is amended to read:

938.30 (10) The court may permit any party to participate in hearings under this section by telephone or live ~~audio-visual~~ audiovisual means except a juvenile who intends to admit the facts of the delinquency petition.

NOTE: Corrects spelling.

**SECTION 173.** 938.31 (7) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

938.31 (7) At the close of the fact-finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days after the fact-finding hearing for a juvenile in secure custody and no more than 30 days after the fact-finding hearing for a juvenile not held in secure custody. If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce ~~industry, labor and job~~ development under s. 49.22 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties

consent, the court may immediately proceed with a dispositional hearing.

NOTE: The stricken language was inserted by 1997 Wis. Act 35, but rendered surplusage by the treatment of this provision by 1997 Wis. Act 27.

**SECTION 174.** The treatment of 938.33 (3) (b) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 175.** The treatment of 938.33 (4) (b) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 176.** 938.335 (4) of the statutes is amended to read:

938.335 (4) At hearings under this section, s. 938.357, 938.363 or 938.365, on the request of any party, unless good cause to the contrary is shown, the court may admit testimony on the record by telephone or live audio-visual audiovisual means, if available, under s. 807.13 (2). The request and the showing of good cause may be made by telephone.

NOTE: Corrects spelling.

**SECTION 177.** The treatment of 938.355 (2) (b) 4. of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 178.** 938.355 (6m) (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (Assembly Bill 410), is amended to read:

938.355 (6m) (a) (intro.) If the court finds by a preponderance of the evidence that a juvenile who has been found to have violated a municipal ordinance enacted under s. 118.163 (2) or who has been found to be in need of protection or services under s. 938.13 (6) has violated a condition specified under sub. (2) (b) 7., the court may order as a sanction any combination of the sanctions specified in subds. 1. to 3. and the dispositions specified in s. 938.342 (1) (d) to (f) and (1m), regardless of whether the disposition was imposed in the order violated by the juvenile, if at the dispositional hearing under s. 938.335 the court explained those conditions to the juvenile and informed the juvenile of the possible sanctions under this paragraph for a violation or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions. The court may order as a sanction ~~or limitation on the use~~ under this paragraph any of the following:

NOTE: Deletes unnecessary phrase. The phrase is repeated in par. (a) 1. where it is more logically placed.

**SECTION 179.** 938.36 (1) (b) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

938.36 (1) (b) In determining the amount of support under par. (a), the court may consider all relevant finan-

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cial information or other information relevant to the parent's earning capacity, including information reported under s. 49.22 (2m) to the department of workforce development, or the county child support agency, under s. 59.53 (5) 49.22. If the court has insufficient information with which to determine the amount of support, the court shall order the juvenile's parent to furnish a statement of income, assets, debts and living expenses, if the parent has not already done so, to the court within 10 days after the court's order transferring custody or designating an alternative placement is entered or at such other time as ordered by the court.

NOTE: 1997 Wis. Act 35 inserted the incorrect cross-reference.

**SECTION 180.** The treatment of 938.363 (1m) of the statutes by 1997 Wisconsin Act 35 is not repealed by 1997 Wisconsin Act 80. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 181.** 938.396 (2) (ag) of the statutes is amended to read:

938.396 (2) Upon request of the parent, guardian or legal custodian of a juvenile who is the subject of a record of a court specified in par. (a), or upon request of the juvenile, if 14 years of age or over, the court shall open for inspection by the parent, guardian, legal custodian or juvenile the records of the court relating to that juvenile, unless the court finds, after due notice and hearing, that inspection of those records by the parent, guardian ~~or~~ legal custodian or juvenile would result in imminent danger to anyone.

NOTE: Supplies omitted term. 1995 Wis. Act 352 amended this provision by inserting "anyone" as the last word, replacing "the juvenile". The purpose of the change was to provide that inspection under this provision was not to be allowed where injury to anyone would result from inspection by anyone with inspection rights. The insertion of "juvenile" is necessary to provide that harm from inspection by anyone with inspection rights can be prevented.

**SECTION 182.** 938.396 (2) (am) of the statutes is amended to read:

938.396 (2) (am) Upon the written permission of the parent, guardian or legal custodian of a juvenile who is the subject of a record of a court specified in par. (a), or upon request written permission of the juvenile if 14 years of age or over, the court shall open for inspection by the person named in the permission any records specifically identified by the parent, guardian, legal custodian or juvenile in the written permission, unless the court finds, after due notice and hearing, that inspection of those records by the person named in the permission would result in imminent danger to anyone.

NOTE: Inserts term used in the remainder of the provision for internal consistency.

**SECTION 183.** The treatment of 938.533 (2) of the statutes by 1997 Wisconsin Act 27 is not repealed by 1997 Wisconsin Act 35. Both treatments stand.

NOTE: There is no conflict of substance.



**SECTION 184.** The treatments of 946.82 (4) of the statutes by 1997 Wisconsin Acts 79, 101 and .... (Assembly Bill 553) are not repealed by 1997 Wisconsin Act .... (Assembly Bill 742). All treatments stand.

NOTE: There is no conflict of substance.

**SECTION 185.** 948.22 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 35, is amended to read:

948.22 (4) (b) For a person not subject to a court order requiring child, grandchild or spousal support payments, when the person knows or reasonably should have known that he or she has a dependent, failure to provide support equal to at least the amount established by rule by the department of workforce development under s. 49.22 (9) (a) or causing a spouse, grandchild or child to become a dependent person, or continue to be a dependent person, as defined in s. 49.01 (2).

NOTE: Corrects cross-reference. 1995 Wis. Act 404 re-numbered s. 46.25 (9) (a) to s. 49.22 (9).

**SECTION 186.** 967.04 (2) of the statutes is amended to read:

967.04 (2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time. Upon request of all defendants, unless good cause to the contrary is shown, the court may order that a deposition under this section be taken on the record by telephone or live audio-visual audiovisual means.

NOTE: Corrects spelling.

**SECTION 187.** The treatment of 967.055 (1) (b) of the statutes by 1995 Wisconsin Act 436 is not repealed by 1995 Wisconsin Act 448. Both treatments stand.

NOTE: There is no conflict of substance.

**SECTION 188.** 967.08 (1) of the statutes is amended to read:

967.08 (1) Unless good cause to the contrary is shown, proceedings referred to in this section may be conducted by telephone or live audio-visual audiovisual means, if available. If the proceeding is required to be reported under SCR 71.01 (2), the proceeding shall be reported by a court reporter who is in simultaneous voice communication with all parties to the proceeding. Regardless of the physical location of any party to the call, any plea, waiver, stipulation, motion, objection, decision, order or other action taken by the court or any party shall have the same effect as if made in open court. With the exceptions of scheduling conferences, pretrial conferences, and, during hours the court is not in session, setting, review, modification of bail and other conditions of release under ch. 969, the proceeding shall be conducted in a courtroom or other place reasonably accessible to the public. Simultaneous access to the proceeding shall be provided to persons entitled to attend by means of a loud-

speaker or, upon request to the court, by making a person party to the telephone call without charge.

NOTE: Corrects spelling.

**SECTION 189.** 970.03 (13) of the statutes is amended to read:

970.03 (13) Upon a showing by the proponent of good cause under s. 807.13 (2) (c), testimony may be received into the record of a preliminary examination by telephone or live audio-visual audiovisual means.

NOTE: Corrects spelling.

**SECTION 190.** 971.14 (1) (c) of the statutes is amended to read:

971.14 (1) (c) Except as provided in par. (b), the court shall not proceed under sub. (2) until it has found that it is probable that the defendant committed the offense charged. The finding may be based upon the complaint or, if the defendant submits an affidavit alleging with particularity that the averments of the complaint are materially false, upon the complaint and the evidence presented at a hearing ordered by the court. The defendant may call and cross-examine witnesses at a hearing under this paragraph but the court shall limit the issues and witnesses to those required for determining probable cause. Upon a showing by the proponent of good cause under s. 807.13 (2) (c), testimony may be received into the record of the hearing by telephone or live audio-visual audiovisual means. If the court finds that any charge lacks probable cause, it shall dismiss the charge without prejudice and release the defendant except as provided in s. 971.31 (6).

NOTE: Corrects spelling.

**SECTION 191.** 971.14 (4) (b) of the statutes is amended to read:

971.14 (4) (b) If the district attorney, the defendant and defense counsel waive their respective opportunities to present other evidence on the issue, the court shall promptly determine the defendant's competency and, if at issue, competency to refuse medication or treatment for the defendant's mental condition on the basis of the report filed under sub. (3) or (5). In the absence of these waivers, the court shall hold an evidentiary hearing on the issue. Upon a showing by the proponent of good cause under s. 807.13 (2) (c), testimony may be received into the record of the hearing by telephone or live audio-visual audiovisual means. At the commencement of the hearing, the judge shall ask the defendant whether he or she claims to be competent or incompetent. If the defendant stands mute or claims to be incompetent, the defendant shall be found incompetent unless the state proves by the greater weight of the credible evidence that the defendant is competent. If the defendant claims to be competent, the defendant shall be found competent unless the state proves by evidence that is clear and convincing that the defendant is incompetent. If the defendant is found incompetent and if the state proves by evidence that is clear

and convincing that the defendant is not competent to refuse medication or treatment, under the standard specified in sub. (3) (dm), the court shall make a determination without a jury and issue an order that the defendant is not competent to refuse medication or treatment for the defendant's mental condition and that whoever administers the medication or treatment to the defendant shall observe appropriate medical standards.

NOTE: Corrects spelling.

**SECTION 192.** 971.17 (7) (d) of the statutes is amended to read:

971.17 (7) (d) Upon a showing by the proponent of good cause under s. 807.13 (2) (c), testimony may be received into the record of a hearing under this section by telephone or live ~~audio-visual~~ audiovisual means.

NOTE: Corrects spelling.

**SECTION 193.** 980.03 (5) of the statutes is amended to read:

980.03 (5) Upon a showing by the proponent of good cause under s. 807.13 (2) (c), testimony may be received into the record of a hearing under this section by telephone or live ~~audio-visual~~ audiovisual means.

NOTE: Corrects spelling.

**SECTION 194.** 990.01 (24) of the statutes is amended to read:

990.01 (24) OATH. "Oath" includes affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken such oath or affirmation shall be taken before and administered by some officer authorized by the laws of this state to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered it shall end with the words "so help me God". In actions and proceedings in the courts, a person may take an oath or affirmation in communication with the administering officer by telephone or ~~audio-visual~~ audiovisual means.

NOTE: Corrects spelling.

**SECTION 195.** 1997 Wisconsin Act 27, section 253k is amended by replacing "the amount determined by" with "the amount determined by".

NOTE: 1997 Wis. Act 27 showed "the amount determined by" as underscored, but it was previously existing text.

**SECTION 196.** 1997 Wisconsin Act 27, section 1407 is amended by replacing "~~59.07 (97)~~ 59.53 (5)" with "59.53 (5)".

NOTE: 1997 Wis. Act 27, section 1407, treated s. 46.03 (7) (bm) "as affected by 1997 Wisconsin Act 3. Act 3 changed the reference to s. "59.07 (97)" to s. "59.53 (5)". The reference to s. "59.53 (5)" should have been shown in plain text and "59.07 (97)" should not have appeared in Act 27.

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**SECTION 197.** 1997 Wisconsin Act 27, section 2475 is amended by replacing "\$1,123,638,100" with "\$1,083,638,100".

NOTE: 1997 Wis. Act 27, section 2475, showed \$1,123,638,100 as stricken from s. 84.59 (6). That number did not exist in s. 84.59 (6). The number in the existing statute was \$1,083,638,100.

**SECTION 198.** 1997 Wisconsin Act 39, section 166 (1) is amended to read:

[1997 Wisconsin Act 39] Section 166 (1) The treatment of section 20.445 (1) (gd) (by SECTION 9) of the statutes takes effect on the date specified in 1997 Wisconsin Act 27, section 9246 9426 (1h).

NOTE: Corrects transposed digits.

**SECTION 199.** 1997 Wisconsin Act .... (Assembly Bill 755), section 8 is amended by replacing "an approval, or submits a notice under s. 30.207 (7) after the project is begun" with "an approval, or submits a notice under s. 30.207 (7) after the project is begun".

NOTE: The word "the" was underscored in 1997 Wisconsin Act .... (AB 755), but actually was preexisting text. No change was intended.

### SECTION 200. Nonstatutory provisions.

(1) RECONCILIATION PROVISION. If 1997 Assembly Bill 410 is not enacted into law, the treatment of section 938.355 (6m) (a) (intro.) of the statutes by this act is void.

(2) RECONCILIATION PROVISION. If 1997 Assembly Bill 447 is not enacted into law, the treatment of section 293.83 (1) (d) of the statutes by this act is void.

(3) RECONCILIATION PROVISION. If 1997 Assembly Bill 755 is not enacted into law, the treatment of 1997 Assembly Bill 755, section 8, by this act is void.

**SECTION 201. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 48.57 (3p) (h) of the statutes and the repeal and recreation of section 48.57 (3p) (g) (intro.) of the statutes take effect on the day after publication of the 2001–03 biennial budget.

(2) The treatment of sections 49.855 (4), 767.262 (4) (b) and 767.29 (1) (a) of the statutes takes effect on the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under section 767.29 (1) (f) of the statutes, or on October 1, 1999, whichever is earlier.

(3) The treatment of section 49.175 (1) (b) 1. of the statutes takes effect on February 1, 1999.

(4) The treatment of section 48.651 (1) (intro.) (by SECTION 55) of the statutes takes effect on October 1, 1998.

(5) The treatment of section 20.445 (1) (gd) (by SECTION 23) of the statutes takes effect on July 1, 1999.

(6) The treatment of section 118.40 (3) (d) of the statutes takes effect on July 1, 1998.